



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 09/918,754 | 07/30/2001 | Gopal N. Iyer | 60027.0027US01/BS00045 | 2738 |

39262 7590 05/06/2005

BELLSOUTH CORPORATION
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

| |
|----------|
| EXAMINER |
|----------|

LY, NGHI H

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2686

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/918,754 | Applicant(s) IYER ET AL. | |
| | Examiner Nghi H. Ly | Art Unit 2686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-12 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al (US 5,940,384) in view of Silverman et al (US 6,324,572).

Regarding claim 1, Carney teaches a method of reconciling first format receiver transfer data with second format receiver transfer data (see Abstract and column 2, lines 41-57, "reconfigured" and "automatically reconfigured"), wherein format receiver transfer data designates available cell faces used to transfer a call between cell faces at one or more cell sites (see fig.1, antennas 11 and 29), automatically modifying the first format entry (also see Abstract and column 2, lines 41-57, "reconfigured" and "automatically reconfigured") if receiver transfer data of the second format entry is not included in first format entry (see column 2, lines 41-44, "the base station should be reconfigurable in the even of change or expansion in one type of service).

Carney does not specifically disclose comparing a first format entry of the first format receiver transfer data to a second format entry of the second format receiver transfer data.

Silverman teaches a first format entry of the first format receiver transfer data to a second format entry of the second format receiver transfer data (see column 5, lines 42-63 and see column 9, lines 30-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Silverman into the system of the Carney so that fault tolerance of a communication system is improved at low cost and complexity (see Silverman, column 3, lines 62-63).

Art Unit: 2686

Regarding claim 5, claim 5 is rejected with the same reason as set forth in claim 1 above.

Regarding claim 8, claim 8 is rejected with the same reason as set forth in claim 1 above.

5. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al (US 5,940,384) in view of Silverman et al (US 6,324,572) and further in view of Magnusson et al (US 6,285,874).

Regarding claim 6, the combination of Carney and Silverman teaches claims 1 and 5. The combination of Carney and Silverman does not teach determining if the first directed retry list does not include an available cell face identifier of the second directed retry list, and adding the available cell face identifier of the second directed retry list to the first directed retry list if the available cell face identifier is not included in the first directed retry list.

Magnusson teaches determining if the first directed retry list does not include an available cell face identifier of the second directed retry list, and adding the available cell face identifier of the second directed retry list to the first directed retry list if the available cell face identifier is not included in the first directed retry list (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Magnusson into the system of the Carney and Silverman in order to provide a method for automatically mapping the

Art Unit: 2686

frequency/code combination onto the true cell identification (see Magnusson, column 4, lines 30-33).

Regarding claim 9, the combination of Carney and Silverman teaches claim 8. The combination of Carney and Silverman does not teach the cell face transfer data is in one of a plurality of Directed Retry List forms.

Magnusson teaches the cell face transfer data is in one of a plurality of Directed Retry List forms (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Magnusson into the system of the Carney and Silverman in order to provide a method for automatically mapping the frequency/code combination onto the true cell identification (see Magnusson, column 4, lines 30-33).

6. Claim 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al (US 5,940,384) in view of Silverman et al (US 6,324,572) and further in view of Magnusson et al (US 6,285,874) and Tanaka et al (US 5,335,355).

Regarding claim 7, the combination of Carney, Silverman and Magnusson teaches the first directed retry list (see Magnusson, Abstract).

The combination of Carney, Silverman and Magnusson does not specifically disclose retry list is a Reselection List form and the second directed retry list is a Cell Equipage Face form and the step of adding comprises a step of: replacing a no indicator with a yes indicator in the Reselection List form.

Art Unit: 2686

Tanaka teaches a Reselection List form and the second directed retry list is a Cell Equipage Face form and the step of adding comprises a step of: replacing a no indicator with a yes indicator in the Reselection List form (see column 2, lines 34-68, see "digital").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tanaka into the system of Carney, Silverman and Magnusson in order to provide a cellular radio communication system which is capable of selectively using either analog mode or digital mode when exchanging radio communication between a base station and a mobile station apparatus (see Tanaka, column 1, lines 11-16).

Regarding claim 10, the combination of Carney, Silverman and Magnusson teaches the first directed retry list (see Magnusson, Abstract). The combination of Carney, Silverman and Magnusson does not specifically disclose the first format is Cell Equipage Face format.

Tanaka further teaches the first format is Cell Equipage Face format (see column 2, lines 34-68, see "analog").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tanaka into the system of Carney, Silverman and Magnusson in order to provide a cellular radio communication system which is capable of selectively using either analog mode or digital mode when exchanging radio communication between a base station and a mobile station apparatus (see Tanaka, column 1, lines 11-16).

Regarding claim 11, the combination of Carney, Silverman and Magnusson teaches the first directed retry list (see Magnusson, Abstract). The combination of Carney, Silverman and Magnusson does not specifically disclose the second format is Reselection format.

Tanaka further teaches the second format is Reselection format (see column 2, lines 34-68, see "digital").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tanaka into the system of Carney, Silverman and Magnusson in order to provide a cellular radio communication system which is capable of selectively using either analog mode or digital mode when exchanging radio communication between a base station and a mobile station apparatus (see Tanaka, column 1, lines 11-16).

Regarding claim 12, the combination of Carney, Silverman and Magnusson teaches the first directed retry list (see Magnusson, Abstract). The combination of Carney, Silverman and Magnusson does not specifically disclose the first cell site data includes a cell site identifier having one or more associated cell face identifiers.

Tanaka further teaches the first cell site data includes a cell site identifier having one or more associated cell face identifiers (see Tanaka, column 7, lines 26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tanaka into the system of Carney, Silverman and Magnusson in order to provide a cellular radio communication system which is capable of selectively using either analog mode or digital mode when

Art Unit: 2686

exchanging radio communication between a base station and a mobile station apparatus (see Tanaka, column 1, lines 11-16).

Allowable Subject Matter

7. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-4 are objected for the reasons as indicated in the previous Office action dated 01/18/2004.

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 5-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

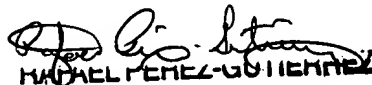
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

04/20/05


MICHAEL PEREZ-GUTIERREZ
PATENT EXAMINER
4/19/05